

## **Appendix P**



CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

ORDER NO. 85-72

AN ORDER FOR ISSUANCE OF  
A TIME SCHEDULE FOR  
THE CITY OF ESCONDIDO  
HALE AVENUE WASTEWATER TREATMENT FACILITY  
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region, (hereinafter Regional Board), finds that:

1. On March 23, 1981, this Regional Board adopted Order No. 81-10, National Pollutant Discharge Elimination System (NPDES) Permit No. CA0107981, *Waste Discharge Requirements for the City of Escondido, Hale Avenue Wastewater Treatment Facility, San Diego County*. Order No. 81-10 regulates the discharge of up to 16.5 million gallons per day (mgd) of treated wastewater from the Hale Avenue Wastewater Treatment Facility to the Pacific Ocean, through the San Elijo Ocean Outfall.

2. Provision D.12 of Order No. 81-10 states the following:

12. Bypass of Treatment Facilities

(a) Definitions

- (1) "Bypass" means the intentional diversion of waste streams from any portion of the treatment facility.
- (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) Bypass Not Exceeding Effluent Limitations.

The discharger may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operations. These bypasses are not subject to the provisions of paragraphs (c) and (d) of this section.

(c) Notice of Anticipated Bypass and Unanticipated Bypass.

- (1) Anticipated bypass. If the discharger knows in advance of the need for a bypass, they shall submit prior notice, if possible, at least ten days before the date of the bypass.

- (2) Unanticipated bypass. The discharger shall submit notice of an unanticipated bypass as described under Reporting Requirement No. 5.

(d) Prohibition of Bypass.

- (1) Bypass is prohibited and the Regional Board may take enforcement action against the discharger for bypass, unless:
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the discharger could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The discharger submitted notices as required under paragraph (c) of this section.
- (2) The Executive Officer may approve an anticipated bypass, after considering its adverse effect, if the Executive Officer determines that it will meet the three conditions listed above in paragraph (a) of this section.

3. Provision D.10 of Order No. 81-10 states the following:

10. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order.

4. Provision D.11 of Order No. 81-10 states the following:

11. In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost.

5. Finding No. 11 of Order No. 81-10 states the following regarding the Escondido Land Outfall:
  11. Treated wastewater from the Hale Avenue wastewater treatment plant is discharged to a 14.2-mile land outfall which conveys treated wastewater to the San Elijo Ocean Outfall. The land outfall, which generally follows the course of Escondido Creek to San Elijo Lagoon, is comprised of a section approximately 9 miles in length which is designed to operate under gravity flow conditions and a pressure conduit section approximately 5.2 miles in length. The portion of the land outfall designed to operate under gravity flow conditions has pipe diameters ranging from 27 to 36 inches and a peak wet weather flow capacity of approximately 23 mgd. The pressure conduit has an internal diameter of 36 inches and a potential peak wet weather flow capacity of approximately 28 mgd. The land outfall terminates at the San Elijo Ocean Outfall approximately 1000 feet downstream from the San Elijo Water Pollution Control Facility, where equipment in a regulator structure meters flow from the Hale Avenue Wastewater Treatment Facility.
6. The County of San Diego reported in a letter dated August 8, 1984 that the flow regulator, noted in the above Finding No. 5, is a pressure reducer which prevents pressures in the ocean outfall downstream of the regulator from exceeding a predetermined limit (about 70 feet of head). When the pressure from the Escondido Land Outfall exceeds the pressure limit, an automatic valve regulates the Escondido wastewater flow to reduce downstream pressure. The County of San Diego also reported that the regulator is an integral part of the ocean outfall design and is necessary to prevent damage to the ocean outfall and prevent spills from the San Elijo treatment facility into San Elijo lagoon.
7. As noted in Finding 5 a series of manholes are contained in the portion of the land outfall, designed to operate under gravity flow conditions. The first manhole in the gravity section upgradient of the pressure portion of the land outfall is identified as Manhole No. 75. In a letter dated June 14, 1985 Mr. Frank L. Asaro, an Attorney at Law representing the owner of the property where Manhole No. 75 is located, reported that there have been several instances where wastewater overflows from the manhole have occurred.
8. On May 3, 1984, Regional Board staff met with an engineering consultant of the City of Escondido at Manhole No. 75, noted in Finding No. 7. Staff noted that an asphalt slab had been constructed around the manhole to control overflows and provide erosion protection. In addition, the manhole cover was set on metal rods, enabling it to lift off during overflows and to return in place afterwards. The consultant informed staff that the asphalt slab and lift-off cover was installed by the city of Escondido in 1980, after a wastewater overflow had occurred.
9. In a letter dated June 27, 1985 the County of San Diego reported that on June 21, 1985 approximately 20,000 gallons of secondary treated effluent spilled from the Escondido land outfall at Manhole No. 75. As reported by the County, the spill was due to high peak flows resulting from the

City of Escondido's drainage of an equalization tank and human error on the part of the County of San Diego in the operation of the flow regulator valve at the San Elijo Water Pollution Control Facility.

10. During a meeting on June 26, 1985 representatives of the City of Escondido and County of San Diego reported that with the use of the flow equalization tank at the Hale Avenue Wastewater Treatment Facility, flows in the Escondido Land Outfall should not cause overflows at Manhole No. 75 for at least the next five years.
11. The lift-off device at Manhole No. 75 and the flow regulator valve within the San Elijo Ocean Outfall constitutes a threatened violation of Provisions D.1, D.10 and D.12 of Order No. 81-10.
12. This enforcement action is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15121, Chapter 3, Title 14, California Administrative Code.

*IT IS HEREBY ORDERED*, That in accordance with Water Code Section 13300 the City of Escondido, Hale Avenue Wastewater Treatment Facility shall comply with the following time schedule:

1. Compliance with the requirements of Provisions D.1, D.10 and D.12 shall be achieved in accordance with the following time schedule:

TASK	COMPLETION DATE	COMPLIANCE REPORT DATE
Submit engineering report regarding potential for wastewater bypasses or overflow from the City of Escondido's Land Outfall due to capacity limitations in the San Elijo Ocean Outfall	September 29, 1985	October 15, 1985

*I, Ladin H. Delaney, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on July 29, 1985.*

*Ladin H. Delaney*

Ladin H. Delaney  
Executive Officer